IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.497 OF 2006

Dharmendra Ramdhawan Singh ..Petitioner
Vs.
The State of Maharashtra
and Ors. ..Respondents

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Smt.Smita Kadu Gawai Advocate for Petitioner
Mrs.A.S.Pai A.P.P. for State

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CORAM: D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : MARCH 31, 2006

ORDER ORDER: (PER SMT.V.K.TAHILRAMANI,J):

1. Heard the learned advocate for the Petitioner and learned A.P.P. for the State. Rule. By consent, rule is heard forthwith.

2. The petitioner had preferred application for furlough which came to be rejected. Being aggrieved by the order of rejection, this petition has been preferred.

3. The application of the petitioner for furlough came to be rejected on the ground that if he is released on furlough, the petitioner may not be report back to the prison. It is only on this ground that the application for furlough came to be

rejected. The learned A.P.P. has admitted that there is no previous history of the petitioner being released on furlough or parole and the petitioner not reporting back on time. In this view of the matter, we are of the opinion that there is no basis on which the averment could have been made that if released on furlough, the petitioner would not report back to prison. It appears that police report has been made without any application of mind and rejection of the application for furlough on the basis of such a police report, cannot be sustained.

4. In this view of the matter, the petitioner be released on furlough on the usual terms and conditions. In addition thereto, the petitioner shall report on every alternate day at the nearest police station to the address at which he will reside during the period that he is on furlough.

5. Petition is disposed of. Rule made absolute in the above terms.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]